

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Derek Gauger

Serial Number: 10/039,999

Filing Date: October 24, 2001

Examiner/Art Group Unit: Naresh Vig/3629

Title: NETWORK BASED, INTERACTIVE PROJECT
MANAGEMENT APPARATUS AND METHOD

REPLY BRIEF

Mail Stop-Appeal
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Entry of this rebuttal brief in response to the Examiner's Answer is respectfully requested.

STATUS OF CLAIMS

Claims 1-6, 9, 34, 41, and 52-59 stand rejected by the Examiner in the Office Action dated August 3, 2009 which issued to a response to a Request for Continued Examination filed on March 2, 2009. Claims 7, 8, 9, and 11 are cancelled and withdrawn from consideration. The rejection of claims 1-6, 9, 34, 41, and 52-59 is appealed.

GROUNDΣ OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-6, 9, 34, 41 and 52-59 are rejected under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which the Appellant regards as the invention..

Claims 1-6, 9, 34, 41 and 52-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US Patent 5,765,140) in view of Jenkins (US Patent 7,213,030).

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US Patent 5,765,140) in view of Jenkins (US Patent 7,213,030) and Cohen et al. (US Patent 6,507,845).

ARGUMENT

Appellant submits the following arguments in reply to the responses and arguments raised by the Examiner in the Examiner's Answer.

1. The Examiner incorrectly concludes that Appellant is arguing a limitation not positively claimed by the Appellant as his invention by stating that the claims do not cover a collaboration center as a subset of the overall project.

Appellant's claim 1 defines a method for managing a project which includes the steps of activating at least two or more of a plurality of information modules. Appellant's claim 1 also defines the step of "creating an electronic collaboration center as one of the information modules". Appellant's method defined in claim 1 also defines at least one collaboration in the collaboration center associated with the project to facilitate resolution of at least one of a project issue and a project problem.

This shows that the collaboration center is a part of the overall project and that the collaboration center, when a collaboration is set up within the collaboration center module, enables authorized individuals to facilitate resolution of one of a project issue or project problem which are part of the same overall project.

Both the project issue and the project problem are but several of many parts of the overall project. Therefore, it is submitted in the collaboration center clearly acts as a subset to the overall project as the collaboration is directed to just one project issue or one project problem in the overall project, not to separate projects.

Knudson is interpreted by the Examiner as teaching a project manager with the capability of creating a plurality of projects. Appellant respectfully submits that this is not the same as establishing a collaboration module within a project manager which enables collaboration inside of the project to facilitate resolution by authorized individuals of at least one of a project issue or a project problem. The project issue or project problem which form a subject matter of collaboration are not separate projects as taught by Knudson, but rather are part of the subject matter of the overall project.

Accordingly, it is respectfully submitted that the Examiner has not established a *prima facie* case of obviousness to support the reject of Appellant's claim 1 over Knudson and Jenkins with respect to the collaboration center set forth in claim 1.

2. The Examiner contends that Knudson teaches the capability of time disjointed electronic interaction for a plurality of projects and incorrectly applies this teaching to Appellant's interaction by authorized individuals in a collaboration in the collaboration center as part of a single project.

The Examiner contends that Knudson teaches the capability for a plurality of projects which can be worked on individually by team members associated with each of the plurality of projects. However, Appellant submits that Knudson is devoid of forming a collaboration center as a subset or as a part of a single project to resolve a particular project issue or project problem. The collaboration center is completely distinct from a plurality of different projects since each of the plurality of projects would have a different purpose, goal, data, etc. The collaboration center, in Appellant's invention set forth in claim 1, relates to one of a project issue or project problem in a single project. Individuals authorized to participate in the collaboration can interact in a time disjointed manner in the collaboration center completely separate from the interaction of authorized project individuals on other issues or tasks within the same overall project.

Accordingly, it is respectfully submitted that the Examiner's citation of Knudson for this feature of Appellant's invention is erroneous. For these reasons, Appellant submits that the Examiner has failed to establish a *prima facie* case of obviousness to support a rejection of this feature of Appellant's invention based on Knudson.

3. The Examiner also cites Knudson for teaching the capability and concept of providing a plurality of reports for project managers and incorrectly applies this teaching against Appellant's claimed feature of providing a collaboration summary.

Appellant submits that Knudson's teaching of providing reports for project managers is completely distinct from Appellant's provision of a collaboration summary which relates specifically to the collaboration subject and which, as described above, is intended to facilitate resolution of a project issue or project problem within the framework of the overall project. Appellant's collaboration summary is specific to the collaboration subject as compared to the progress reports of Knudson which relate to the entire project as a whole.

Accordingly, Appellant submits that the Examiner has failed to establish a *prima facie* case of obviousness to support a rejection of this feature of Appellant's invention in view of his interpretation of Knudson.

4. Finally, the Examiner erroneously contends in Appellant's argument that the references do not teach the capability of a sub-team within the overall project team which has access to and participates in the collaboration as limitation not positively claimed.

The Board's attention is directed to claim 1 which separately includes:

“defining authorized individuals who have access to the interactive computer system providing electronic data interchange for a project;” and

“defining collaboration approved individuals for access to the collaboration center by the authorized individuals.”

It is difficult to understand the Examiner's contention that Appellant has not positively claimed a collaboration within the project team when, in claim 1, the collaboration approved individuals are defined as separately approved individuals from the overall project authorized individuals.

The Examiner wrongly applies the teaching of Knudson that Knudson has the capability and concept for a project manager to create a plurality of projects with associate team members for the project. In Knudson, each project is completely separate from the other

projects. Thus, in Knudson, the associate team members for one project would be a distinct group without any interaction with the associate team members in a different project.

In Appellant's invention, the authorized individuals for a collaboration are a subset of the same project and deal with the problems and issues which arise in the same project, not issues and problems from an entirely different project.

Since Knudson is devoid of any teaching or suggestion of a collaboration center within the framework of an overall project, it stands to reason that Knudson is also devoid of any teaching or suggestion of defining authorized individuals for the collaboration which are a subset of the authorized individuals in the overall project.

For the above reasons, Appellant reasserts that the Examiner has not established a *prima facie* case of obviousness to support a rejection of this feature of Appellant's invention.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that Appellant's invention as set forth in the claims patentably defines over the cited references and is not suggested or rendered obvious thereby. Reversal of the Examiner's rejections of all of the claims is respectfully requested.

Respectfully submitted,

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